

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1439

To amend the National Forest Management Act of 1976 to require the timber sale program conducted by the Forest Service on National Forest System lands to be financed only by receipts from the sale of timber under the program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. METCALF introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the National Forest Management Act of 1976 to require the timber sale program conducted by the Forest Service on National Forest System lands to be financed only by receipts from the sale of timber under the program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Timber Sale Financial  
5 Accountability Act of 1995”.

1 **SEC. 2. RELIANCE ON FOREST SERVICE TIMBER SALE RE-**  
2 **CEIPTS TO FUND TIMBER SALES.**

3 (a) TIMBER RECEIPTS TO COVER COSTS.—Section  
4 14 of the National Forest Management Act of 1976 (16  
5 U.S.C. 472a) is amended by adding at the end the follow-  
6 ing new subsection:

7 “(j) USE OF TIMBER RECEIPTS TO COVER SALE  
8 COSTS.—

9 “(1) TIMBER RECEIPTS FUND.—There is here-  
10 by established in the Treasury of the United States  
11 a fund to be known as the ‘National Forest System  
12 Timber Receipts Fund’ and consisting of receipts  
13 from the sale of trees, portions of trees, and forest  
14 products located on National Forest System lands.  
15 The Fund shall consist of two accounts, one account  
16 for units of the National Forest System located east  
17 of the Mississippi River and the other account for  
18 units located west of the Mississippi River and in  
19 Alaska. Amounts in the two accounts may not be  
20 commingled. Amounts in the Fund are to be avail-  
21 able until expended.

22 “(2) USE OF FUND.—Amounts in an account of  
23 the Fund shall be available, in such amounts as are  
24 provided in advance in appropriation Acts, to the  
25 Secretary of Agriculture for the purpose of covering  
26 the cost to the United States—

1           “(A) for design, engineering, and super-  
2 vision of the construction of roads needed in  
3 connection with timber sales conducted under  
4 this section in units of the National Forest Sys-  
5 tem covered by the account; and

6           “(B) for Forest Service preparation, adver-  
7 tisement, offering, awarding, and supervision of  
8 the operation of such timber sales.

9           “(3) RELIANCE ON FUND.—The Fund shall be  
10 the sole source of amounts for the activities specified  
11 in paragraph (2), and amounts otherwise appro-  
12 priated or made available to the Secretary or the  
13 Forest Service in appropriation Acts may not be ob-  
14 ligated or expended for such activities.

15           “(4) EFFECT ON OTHER LAWS.—Except as pro-  
16 vided in paragraph (5), the following provisions of  
17 law shall not apply to receipts from the sale of trees,  
18 portions of trees, and forest products located on Na-  
19 tional Forest System lands:

20           “(A) The fifth paragraph under the head-  
21 ing “FOREST SERVICE” in the Act of March  
22 4, 1907 (34 Stat. 1270; 16 U.S.C. 499).

23           “(B) The fourth sentence in section 9 of  
24 the Act of June 7, 1924 (43 Stat. 655; 16

1 U.S.C. 499; commonly known as the Clarke-  
2 McNary Act).

3 “(C) The sixth paragraph under the head-  
4 ing “FOREST SERVICE” in the Act of May  
5 23, 1908 (35 Stat. 260; 16 U.S.C. 500).

6 “(D) Section 13 of the Act of March 1,  
7 1911 (36 Stat. 963; 16 U.S.C. 500; commonly  
8 known as the Weeks Act).

9 “(E) The sixth paragraph under the head-  
10 ing “ADMINISTRATIVE PROVISIONS, FOREST  
11 SERVICE” in title II of the Department of the  
12 Interior and Related Agencies Appropriations  
13 Act, 1993 (Public Law 102–381; 106 Stat.  
14 1400; 16 U.S.C. 500 note).

15 “(F) The fourteenth paragraph under the  
16 heading “FOREST SERVICE” of the Act of  
17 March 4, 1913 (37 Stat. 843; 16 U.S.C. 501).

18 “(5) EXCESS AMOUNTS.—Amounts in the Fund  
19 determined by the Secretary to be in excess of the  
20 cost of accomplishing the activities specified in para-  
21 graph (2) shall be transferred to miscellaneous re-  
22 cepts in the Treasury of the United States.  
23 Amounts transferred shall be considered as moneys  
24 received from the national forests within the mean-  
25 ing of the sixth paragraph under the heading “FOR-

1       EST SERVICE” in the Act of May 23, 1908 (35  
2       Stat. 260; 16 U.S.C. 500), section 13 of the Act of  
3       March 1, 1911 (36 Stat. 963; 16 U.S.C. 500; com-  
4       monly known as the Weeks Act), and the fourteenth  
5       paragraph under the heading “FOREST SERV-  
6       ICE” of the Act of March 4, 1913 (37 Stat. 843;  
7       16 U.S.C. 501).”.

8       (b) CONFORMING AMENDMENTS.—Such section is  
9       further amended—

10           (1) in subsection (h)—

11                   (A) by striking “in a designated fund” in  
12                   the third sentence and inserting “in the Na-  
13                   tional Forest System Timber Receipts Fund es-  
14                   tablished under subsection (j),”; and

15                   (B) by striking the last sentence, including  
16                   the provisos; and

17           (2) in subsection (i)(2), by striking “, and such  
18           additional sums as may be appropriated for the con-  
19           struction of roads”.

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